

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:21cr181-MHT
)	(WO)
ALTWANA JAMAL SAVAGE)	

ORDER

This cause is before the court on defendant Altwana Jamal Savage's unopposed motion to continue. For the reasons set forth below, the court finds that the trial, now set for September 13, 2021, should be continued pursuant to 18 U.S.C. § 3161.

While the granting of a continuance is left to the sound discretion of the trial judge, *see United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in

which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would be likely to ... result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant ... the reasonable time necessary for effective preparation, taking into account the exercise of due diligence," § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Savage in a speedy trial. Through the unopposed motion defense counsel informed the court that a continuance is necessary for him and

Savage to review fully the facts of the case, prepare for trial, and explore possible resolutions without going to trial. In addition, the government does not oppose the requested trial continuance. The court finds that a continuance of the trial is necessary in order to ensure that defense counsel is able to litigate the case effectively and prepare for trial fully.

Accordingly, it is ORDERED as follows:

(1) Defendant Altwana Jamal Savage's unopposed motion to continue trial (Doc. 21) is granted.

(2) The trial, now set for September 13, 2021, is reset for October 25, 2021, in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

The United States Magistrate Judge shall conduct a pretrial conference prior to the October 2021 trial term and shall reset the deadlines for filing pretrial

motions and notice of change of plea in light of this order.

DONE, this the 19th day of August, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE